

RESOLUTION NO. 4213

AUTHORIZING AND DIRECTING CONDEMNATION  
OF REAL PROPERTY FOR SEWER FACILITIES  
AND OTHER UTILITY SERVICES

BE IT RESOLVED by the Council of the City of Lodi as follows:

The Council of the City of Lodi finds, determines, and hereby declares:

1. That the public interest, necessity, and convenience require the acquisition, construction, and completion of a public improvement, to-wit: an easement for right of way for a sanitary sewer line extension and other utility services on or across certain real property located on the east side of State Highway 99-50, between Vine Street and Kettleman Lane, in the County of San Joaquin, State of California.

2. That the real property hereinafter described is suitable, adaptable, necessary, and required for the public use of said City of Lodi, as hereinabove set forth.

3. The proposed project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.

4. That the City of Lodi acquire the hereinafter described real property for sewer facilities and other utility services, by donation, purchase, or by condemnation in accordance with the provisions of the Code of Civil Procedure of the State of California relating to eminent domain. That the City Attorney is hereby authorized to prosecute in the name of the City of Lodi, any and all actions or proceedings required to acquire the necessary land and/or to fix the compensation to be paid for property damage resulting from the construction and maintenance of said improvements; and in the absence of a satisfactory price agreement with the owner of the land, the City Attorney is hereby directed to immediately commence proceedings under Title Seven, Part Three of the Code of Civil Procedure of the State of California to condemn the property hereinafter described for the purpose of taking said land for the public use of said City as hereinabove set forth.

5. To acquire in the name of the City of Lodi, an easement in and to the said hereinafter described real property by condemnation in accordance with the provisions of the Streets and Highways Code, Code of Civil Procedure, and the Constitution of California relating to eminent domain.

6. To make application to a Court of competent jurisdiction for an order fixing the amount of such security in the way of money deposits as said Court may direct, and for an order permitting said City of Lodi to take immediate possession and use of said property, or interest in real property, or existing improvements for the public use as hereinabove set forth; to make deposit of such security or monies in such amount so fixed and determined and in such manner as said Court in which said condemnation proceedings are pending may direct.

7. The real property, or interest in real property which the City of Lodi is by this Resolution authorized to acquire for said public improvements is situate in the County of San Joaquin, State of California, and is more particularly described as follows:

A portion of the Southwest Quarter of Section 7, Township 3 North, Range 7 East, Mount Diablo Base and Meridian, more particularly described as follows:

Commencing at a point marking the Southeast corner of that certain 0.982 of an acre parcel of land described in deed to the State of California, dated August 3, 1944, recorded in Volume 897 of Official Records, at page 291, San Joaquin County Records, said point lying North 85° 36' 57" East, 213.63 feet from the Southwest corner of said Section 7; thence along the North line of Kettleman Lane South 87° 39' 51" East, 1118.98 feet to the easternmost point of that certain parcel of land as described in Deed to the State of California, dated August 16, 1957, recorded in Volume 1994 of Official Records, at page 350, San Joaquin County Records; thence North 83° 25' 46" West, 92.02 feet along the property line of said parcel of land as described in Deed to the State of California, dated August 16, 1957; thence North 37° 38' 40" West, 36.40

feet; thence North 0° 27' 30" West, 49.67 feet; thence 71.33 feet along a curve to the left, said curve having a radius of 328.00 feet, a central angle of 12° 27' 35" and a long chord which bears North 6° 41' 17" West to the TRUE POINT OF BEGINNING, said Point lying on the property line of said parcel of land as described in Deed to the State of California, dated August 16, 1957; thence continuing along said property line 131.66 feet along a curve to the left, said curve having a radius of 328.00 feet, a central angle of 22° 59' 55" and a long chord which bears North 24° 25' 03" West; thence North 35° 55' West, 51.28 feet, along said property line; thence 191.47 feet along a curve to the right, said curve having a radius of 272.00 feet, a central angle of 40° 20' and a long chord which bears North 15° 45' West, said curve being the East line of a parcel of land described in Deed to the State of California dated December 16, 1960; thence North 4° 25' East, 297.02 feet; thence 48.49 feet along a curve to the left, said curve having a radius of 528.00 feet, a central angle of 5° 15' 42" and a long chord which bears North 1° 47' 09" East; thence North 0° 50' 42" West, 817.27 feet; thence North 89° 09' 18" East, 16.00 feet; thence South 0° 50' 42" East 817.27 feet; thence 49.96 feet along a curve to the right, said curve having a radius of 544.00 feet, a central angle of 5° 15' 42" and a long chord which bears South 1° 47' 09" West, thence South 4° 25' West, 125.78 feet; thence 263.92 feet along a curve to the left, said curve having a radius of 626.00 feet, a central angle of 24° 09' 21" and a long chord which bears South 7° 39' 40" East; thence South 19° 44' 21" East, 105.68 feet; thence 155.91 feet along a curve to the right, said curve having a radius of 674.00 feet, a central angle of 13° 15' 14" and a long chord which bears South 13° 06' 44" East to the POINT OF BEGINNING.

DATED: June 2, 1976.

I hereby certify that the foregoing Resolution was passed and adopted by the City Council of the City of Lodi in regular meeting held June 2, 1976, by the following vote:

AYES: Councilmen HUGHES, KATZAKIAN, EHRHARDT, and  
PINKERTON

NOES: Councilmen - None

ABSENT: Councilman KATNICH

  
Alice M. Reimche, City Clerk

The foregoing document is certified to be a correct copy of the original on file in this office.

  
ALICE M. REIMCHE  
City Clerk, City of Lodi

Dated: June 2, 1976